

## **RESOLUTION NO. 15-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 14-04 FOR A COMMERCIAL BUILDING AT 1781 WEST WHITTIER BOULEVARD, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The Planning Commission of the City of La Habra does hereby resolve as follows:

Section 1. The Planning Commission does hereby find and determine that:

- a. Gregory S. Jones Trust filed an application requesting Design Review 14-04 for a commercial building at 1781 West Whittier Boulevard.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15301, Class 1: "Existing Facilities" of the CEQA Guidelines.
- c. The applicant's proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal will constitute the disturbance of more than 5,000 square feet of soil, a Priority WQMP is required. A preliminary WQMP has been reviewed and approved. All work undertaken will be required to incorporate Best Management Practices (BMPs) as required by the WQMP.
- d. The Planning Commission held a duly noticed public hearing on July 27, 2015 to consider the applicant's request of Design Review 14-04. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, approves the request.

Section 2. The Planning Commission further finds and determines that:

- a. The applicant has succeeded in meeting their burden of providing evidence to support the granting of the Design Review application.
- b. The Planning Commission hereby makes the following required findings of the Design Review pursuant to Chapter 18.68.050.A of the La Habra Municipal Code:
  1. The proposed plan is consistent with the City's General Plan.

The subject site is designated as "Mixed Use Center 1" by the General Plan 2035 which allows for the development of commercial uses. The project implements Policies LU 3.2 (Uses to Meet Daily Needs), LU 5.5 (Revitalization of Obsolete and Underutilized Properties), LU 11.2 (Diversity of Uses), ED 1.1 (Consumer Demand) and E 2.7 (Energy Efficient Design) of the General Plan 2035. Therefore, the proposal is consistent with the City's General Plan.

2. The proposed plan is consistent with the City's Zoning Ordinance.

The subject site is zoned C-2 (Commercial). Pursuant to Section 18.32.050.D of the La Habra Municipal Code (LHMC), new development is permitted within the C-2 zone with the approval of a Design Review application by the Planning Commission.

The proposed commercial building meets all applicable development standards of the Zoning Code.

3. The proposed plan is in the best interest of the public health, safety, and welfare of the community.

The proposed commercial building replaces an older commercial building demolished in 2014. The project will provide a modern facility that incorporates water and energy saving features. Additionally, staff has reviewed the project and found no concerns that would prevent the project from being constructed. Therefore, the proposed plan is in the best interest of the public and the community.

4. The nature of the proposed land uses and the design is appropriate for the proposed location and is compatible to the surrounding land uses and improvements.

The use proposed for the commercial building (Auto Zone) is permitted by right by the Zoning Code. A traffic impact analysis was prepared that reviewed the movement of vehicles onto, off of, and within the site. Based on the analysis of a worst case scenario during peak hours, the study determined that the site could adequately handle the expected traffic. The Traffic Manager has reviewed the study and concurs with its findings.

5. The project complies with all requirements of the California Environmental Quality Act.

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15301, Class 1: "Existing Facilities" of the CEQA Guidelines.

Section 3. This action is subject to the following conditions:

General conditions:

Standard Condition 1.1 CODE COMPLIANCE

The property owner/business operator shall comply with all applicable City of La Habra Municipal Codes and Ordinances.

Standard Condition 1.3 GRAFFITI ABATEMENT

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight (48) hours of its discovery in matching colors to the existing improvements.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

The property owner/business operator shall comply with the Los Angeles County/La Habra Fire Code and Fire Department requirements, as applicable.

Standard Condition 1.5 MINOR MODIFICATIONS

The Director of Community and Economic Development or designee may approve minor modifications through the Administrative Adjustment process to the conditions of approval so long as the intent of the Planning Commission or City Council is maintained.

Standard Condition 1.6 PLANS

This approval is for those plans date stamped October 13, 2014 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of July 27, 2015. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.

Standard Condition 1.7 COMPLIANCE

The failure to comply with any of these conditions of approval by the property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Design Review 14-04.

Standard Condition 1.8 VIOLATION

In the event that the property owner/business operator violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the City for its costs and expenses,

including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

Standard Condition 1.9            LANDSCAPE MAINTENANCE

The applicant/developer shall maintain landscaping in a healthy and well-kept manner at all times including the public right-of-way. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.

Standard Condition 1.11        PAVEMENT RESURFACING

The property owner/business operator shall re-slurry and re-stripe the driveway and parking areas every five (5) years at a minimum. The Director of Community and Economic Development or designee may require more frequent slurry and re-striping if the parking area is not maintained in good condition.

Standard Condition 1.12        SIGN MAINTENANCE

The property owner/business operator shall maintain signs in good condition at all times and shall repaint the freestanding sign proposed to advertise the business every eight (8) years at a minimum. The Director of Community and Economic Development may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.14        RESOLUTION ON HAND

The property owner/business operator shall at all times maintain a copy of the approved resolution containing all the conditions of approval on site. Said resolution shall be provided for review upon request by any law enforcement officer or community preservation inspector.

Standard Condition 1.15        OUTDOOR VENDING MACHINES

The property owner/business operator shall not operate or allow any outdoor vending machines on the site at any time.

Standard Condition 1.16        OUTDOOR DISPLAY OF MERCHANDISE

The property owner/business operator shall not display any merchandise outside of the building at any time unless approved by the Director of Community and Economic Development or designee through a Special Event Permit.

Standard Condition 1.17      PUBLIC PAY PHONES

The property owner/business operator shall prohibit the installation and use of exterior public pay telephones.

Standard Condition 1.18      LITTER (Modified)

The property owner/business operator shall maintain the property in a clean and orderly condition at all times. The parking lot shall be swept or vacuumed on a daily basis. The parking area shall be walked and debris collected daily. A copy of an executed contract for such services shall be provided to the Director of Community Development prior to the issuance of a Certificate of Occupancy.

Standard Condition 1.21      SIDEWALK INSTALLATION (Modified)

The property owner/business operator shall provide for a five (5) foot wide meandering sidewalk along the north side of Whittier Boulevard prior to issuance of Certificate of Occupancy.

Standard Condition 1.37      CONDUCT OF BUSINESS

The property owner/business operator shall, at all times, conduct business operations in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of La Habra.

Prior to the issuance of grading permits:

Standard Condition 3.6      STORM WATER POLLUTION PREVENTION  
PLAN

The applicant/developer shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing shall be provided to the Chief Building Official and the City Engineer. Projects subject to this requirement shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for review on request. Best Management Practices shall be used during construction to prevent construction materials and soil from entering the storm drain.

Standard Condition 3.9                      UTILITY PLANS

The applicant/developer shall provide all utility plans to be reviewed and approved by the Director of Community and Economic Development or designee and the City Engineer.

Prior to the issuance of building permits:

Standard Condition 4.1                      CONDITIONS ON CONSTRUCTION PLANS

The applicant/developer shall include the conditions of approval of this resolution on the construction plans.

Standard Condition 4.3                      FINAL WATER QUALITY MANAGEMENT PLAN

The applicant/developer shall submit a Final Priority WQMP to the City for review and approval. This plan shall address the following:

- a. Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or zero discharge areas, and conserving natural areas.
- b. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP).
- c. Incorporates Treatment Control BMPs as defined in the DAMP.
- d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
- e. Identifies the entity that will be responsible for the long-term operations and maintenance of the Treatment Control BMPs.
- f. Describes the mechanism for funding the long-term operation and maintenance of Treatment Control BMPs.

Standard Condition 4.8                      WATER SUPPLY AND SEWER FACILITIES  
(Modified)

The applicant/developer shall ensure that the water supply facilities and sewer facilities be designed and constructed to the specifications of the City of La Habra and the Public Works Director with all incidental fees and costs paid by the applicant. The sewer and water facility will be maintained by the applicant/developer.

Standard Condition 4.11      STREET LIGHT INSTALLATION

The applicant/developer shall be responsible for installing new street lights to include footings with electrical wiring conduits placed underground, to the satisfaction of the City Engineer and Southern California Edison Company and the advance energy charges paid. Proof of installation order of the actual street lights shall be provided prior to building permit issuance.

Standard Condition 4.12      TRAFFIC STRIPING AND SIGNING PLAN  
(Modified)

The applicant/developer shall provide an on-site traffic striping and traffic signing plan to be reviewed and approved by the City Engineer.

Standard Condition 4.14      PARKING LOT STRUCTURAL SECTIONS

The applicant/developer shall provide parking lot structural sections, which shall be based on recommendations of a soils engineer, to be approved by the City Engineer.

Standard Condition 4.15      SERVICE TRUCK ACCESS (Modified)

The applicant/developer shall provide access for service trucks across prepared surfaces suitable for continuous heavy truck usage, as determined by the City Engineer. The drive aisle, located along the north property line, shall be constructed which connects the site to the drive approach at Beach Street prior to issuance of building permits, to the satisfaction of the City Engineer, the Director of Community Development, and the Los Angeles County Fire Department.

Standard Condition 4.17      UNDERGROUND UTILITIES (Modified)

The applicant/developer shall provide an approved utility company plan to the City Engineer showing that all on-site utilities within the project be installed underground in accordance with current utility practices prior to the issuance of Building Permits. Should aboveground equipment boxes be utilized, they shall be aesthetically enhanced to match the surrounding development as approved by the Director of Community Development in accordance with the requirements of the utility company. All on-site utilities shall be installed prior to Certificate of Occupancy and before final on-site paving and parkway improvements. All existing aerial utilities shall be removed and/or placed underground including street light wires and other overhead wires. The City Engineer shall have the right to comment, modify, approve or disapprove the utility plan for each utility.

Standard Condition 4.18      WATER AND/OR SEWER SERVICE

The applicant/developer shall submit development plans for the property to the Public Works Department so that the Utility Authority can establish the Terms and Conditions for Water and/or Sewer Service.

Standard Condition 4.19      ENHANCED CONCRETE DRIVEWAYS

The applicant/developer shall install decorative enhanced concrete, such as stamped and colored, in the entrances within the street front and street side setbacks to the satisfaction of the Director of Community and Economic Development or designee.

Standard Condition 4.20      FIRE HYDRANTS

The applicant/developer shall install new public fire hydrant(s) to the satisfaction of the Los Angeles County Fire Department and City Engineer.

Standard Condition 4.22      LANDSCAPING PLANS

The applicant/developer shall submit for review and approval a detailed landscape and irrigation plan prepared by a licensed landscape architect to the Director of Community and Economic Development or designee and Public Works. The plan shall include the use of a separate connection, backflow preventer and connection for future reclaimed water service. At a minimum, tree size shall be 24 inch box and shrubs shall be 5 gallon size.

Standard Condition 4.23      PERIMETER WALL PLANS (Modified)

The applicant/developer shall submit for review and approval a plan to enclose the northern side of the property with a decorative masonry wall with decorative cap, the design to be approved by the Director of Community and Economic Development or designee. Said wall shall be a minimum of nine (9) feet in height and finished to match the wall to the west of the property at 2001 West Whittier Boulevard. The wall shall be constructed prior to issuance of a building permit. A Zone Variance application shall be submitted to the City within 30 days of approval of this resolution to exceed the six (6) foot height limit.

Standard Condition 4.24      SECURITY AND CAMERA PLANS  
(Modified)

The applicant/developer shall submit a security camera system design plan with proposed locations to the Chief of Police for approval. All tapes shall be kept on file for a minimum of 30 days and be available to the City upon request. Additionally, signage shall be placed in the parking lots indicating that security cameras are in use. In addition the security camera system shall monitor the parking lot at all times the store is in operation. The video monitor shall be placed at the cashier station so in the event any automotive work or

repair is begun that involves the changing or removal of any fluid, including but not limited to oil, transmission and/or brake fluid to a vehicle, or any hazardous waste, or the changing of a battery by anyone other than AutoZone employees, a store representative shall perform the following actions:

- a. Immediately inform the party conducting such activity to cease and that such activity is prohibited by the City;
- b. In the event such activity does not immediately cease, make reasonable efforts to document the offending party's vehicle license number, and;
- c. Immediately file with, or shall immediately notify the City's Community Preservation Division via phone or by such other method as provided by the City of the violation;

Notwithstanding the above, should the store representative not be able to perform "a" above due to the threat of personal injury, duties noted in "b" and "c" shall at a minimum be performed.

#### Standard Condition 4.25 TRASH ENCLOSURE

The applicant/developer shall provide plans for review by the City Engineer to install an enclosed, six-foot tall masonry block trash enclosure with enough area to contain a three-yard refuse bin and a ninety-six gallon recycling cart, finished to match the main building. Said trash enclosure shall include provisions for a solid roofed cover, hose bib, and an area drain connected to the sanitary sewer system, the design and location is subject to approval by the City Engineer and Director of Community and Economic Development or designee.

#### Standard Condition 4.27 PRE-CONSTRUCTION MEETING

The applicant/developer shall have a pre-construction meeting with City staff prior to any construction activity occurring, to the satisfaction of the Director of Community and Economic Development.

#### Standard Condition 4.29 RECYCLING PLAN

The property owner/business operator shall prepare construction and demolition waste recycling plans for review and approval by the Director of Public Works.

#### Standard Condition 4.30 SIGN PROGRAM (Modified)

The property owner/business operator shall prepare a sign program for the property to be reviewed and approved by the Director of Community and Economic Development or designee consistent with the Sign Code prior to the issuance of building permits. The property owner/business operator shall not utilize any human display signs.

Standard Condition 4.31      ACKNOWLEDGEMENT OF SIGN CODE

The property owner/business operator shall acknowledge receipt of the Sign Code, and Banner Policies/Guidelines for the property and sign an agreement to abide thereby. In addition, the property owner/business operator shall not utilize any human display signs.

Standard Condition 4.32      MONUMENT SIGNS (Modified)

The applicant/developer shall provide the precise location of new monument signs and be subject to the final review and approval of the City Engineer and the Director of Community Development, prior to issuance of the building permits.

Standard Condition 4.33      TRAFFIC IMPROVEMENT FEES (Modified)

The applicant/developer shall pay all fees related to the requirements of the Citywide Traffic Improvement Fee. This fee is determined to be \$3,942.

Standard Condition 4.34      FAIR SHARE TRAFFIC IMPACT FEES  
(Modified)

The applicant/developer shall pay for all fees related to the requirements of the Fair Share Traffic Impact Fee. This fee is determined to be \$26,138.

Prior to authorization to use, occupy, and/or operate:

Standard Condition 5.6      CONFORMANCE TO DRAINAGE AREA  
MANAGEMENT PLAN

The applicant/developer shall demonstrate conformance with the general conditions as stated in the current Drainage Area Management Plan (DAMP) and with the WQMP, to the satisfaction of the City Engineer.

Standard Condition 5.9      FINAL WATER QUALITY MANAGEMENT PLAN

The applicant/developer shall submit to the City Engineer for review and approval a Final Priority Water Quality Management Plan (WQMP). The WQMP for priority development projects must implement Low Impact Development (LID) principles such that projects infiltrate, harvest, re-use, evapotranspire, or biotreat stormwater runoff.

Standard Condition 5.10      FINAL WATER QUALITY MANAGEMENT  
PLAN—BEST MANAGEMENT PRACTICES

The applicant/developer shall demonstrate the following issues related to the WQMP:

- a. Demonstrate that all structural BMPs described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
- b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
- c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site and for the future occupiers.
- d. Demonstrate that a mechanism or agreement acceptable to the City has been executed for the long-term funding and performance of BMP operations, maintenance, repair, and/or replacement.

Standard Condition 5.11          SPILL CONTAINMENT (Modified)

The property owner/business operator shall ensure that all employees have been trained in the containment and removal of liquid spills. Proof of training shall be submitted to the Director of Public Works.

Standard Condition 5.12          SPILL KIT

The property owner/business operator shall, at all times, ensure that the business has a spill kit on site which is placed in a conspicuous and marked area.

Standard Condition 5.13          CATCH BASIN MARKING

The applicant/developer shall mark all catch basins and public access points that cross or abut an open channel with a water quality message in accordance with City Standards.

Standard Condition 5.15          BICYCLE FACILITIES (Modified)

The applicant/developer shall install and maintain bicycle facilities on-site in a convenient location prior to issuance of Certificate of Occupancy, to the satisfaction of the Director of Community Development. A bicycle rack, capable of holding a minimum of two bicycles, shall be placed on the site near the front of the building, at a location to be reviewed and approved by the Director of Community Development and installed prior to issuance of a Certificate of Occupancy.

Standard Condition 5.16      EL CAMINO REAL BELL

The applicant/developer/business operator shall purchase and install an El Camino Real bell with identification sign to be placed within the public right-of-way/front landscape setback area at a location approved by the Public Works Director and Community Development Director in front of the property prior to issuance of a Certificate of Occupancy.

Project specific conditions:

1. The approval for Design Review 14-04 is contingent upon the approval of Lot Line Adjustment 2015-01 and the conditions of approval contained there-in. Should either discretionary permit be denied or all of the conditions of approval not be completed, the approval for Design Review 14-04 shall become null and void.
2. The property owner/business operator shall limit the hours of operation to 7 a.m. to 9 p.m. daily which shall also include all deliveries and maintenance activities for the facility.
3. The applicant/developer shall provide and maintain serviceable vehicular access throughout the construction areas to all required fire hydrants.
4. The applicant/developer shall provide Fire Department and City approved street signs and building access numbers prior to occupancy.
5. The applicant/developer shall provide on-site fire hydrants as required by the County of Los Angeles Fire Department, as shown on the final tentative tract map. All hydrants shall be installed, tested, inspected and accepted by the Fire Department prior to any construction.
6. The project applicant/developer shall submit to Caltrans for their review and approval of improvements within Whittier Boulevard right-of-way prior to City issuance of building permits.
7. The applicant/developer shall submit and record a Lot Line Adjustment prior to issuance of building permits.
8. The applicant/developer shall construct a meandering sidewalk along Whittier Boulevard with the final design to be approved by the Director of Community Development and the City Engineer. An access agreement shall be provided to the City to allow for the sidewalk to meander into the required front landscape setback area prior to the issuance of a Certificate of Occupancy.
9. The applicant/developer shall prepare a precise landscape and irrigation plan to be submitted and approved by the Director of Community Development for the public right-of-way and front landscape setback area

that creates an inviting environment that encourages walkability prior to the issuance of Building Permits. The plan shall utilize landscape planters to separate the walkway from the street and provide a shade cover for pedestrians with the use of trees. In addition, the property owner shall be responsible for the maintenance of all improvements from the curb face to the property line.

10. The applicant/developer shall provide up lighting on all trees within the public right of way and front landscape area prior to the issuance of Certificates of Occupancy.
11. The applicant/developer shall provide site amenities and improvements that are consistent with the approved Design Standards Guidelines document.
12. The applicant/developer shall ensure that all on-site lighting be contained on site and shall not glare onto any adjacent properties, which may include the installation of shields or other devices, to the satisfaction of the Chief Building Official and the Director of Community Development.
13. The applicant/property owner shall discourage patrons from changing parts or fluids for their vehicles in the parking lot or anywhere on site.
14. The applicant/property owner shall provide appropriate receptacles for trash, recyclables, and hazardous materials and shall have these serviced on a regular basis so that debris does not accumulate on site.
15. The applicant/property owner shall not install an underground used oil tank on site at any time. Additionally, no drums, barrels, or containers for used fluids or any other parts, boxes, or crates shall be stored outside of the store at any time.
16. The applicant/business operator shall power or steam clean the parking lot a minimum of once a month or, as often as is necessary to remove any automotive fluids that may have accumulated as required by the Director of Community Development. A copy of an executed contract for such services shall be provided to the Director of Community Development prior to the issuance of a Certificate of Occupancy.
17. The applicant/business operator shall install trash receptacles at each end of the entrance into the building. The receptacles shall be consistent with the "Design Manual" plan for the center. The approved trash receptacles shall be in place prior to the issuance of a Certificate of Occupancy.
18. The business operator shall empty all the trash receptacles placed in front of the store as soon as they reach near capacity, but not less than once a day. The business owner shall sort through and remove any empty automotive fluid containers or other hazardous waste and such contents

shall be properly disposed of properly as required by law and not be disposed of at a local landfill.

19. The business operator shall not place any type of collection receptacles (except for the trash receptacles as noted in condition 17) outside of the trash enclosures.
20. The business operator shall not supply or loan funnels of any type, or any other device or tool to customers that would permit or encourage a customer to engage in activity that would contradict the intent of these conditions. The business operator shall post two (2) signs, 2 feet by 3 feet in size, one on the interior and one on the exterior which states that, "Per City of La Habra regulations, the changing or removal of any fluids on the premises or the parking lot, including but not limited to; engine oil, transmission fluid, radiator fluid, or brake fluid, or the handling of any hazardous waste, is strictly prohibited and will be enforced to the full extent of the law. Violators will be prosecuted." The signs shall be installed prior to issuance of a Certificate of Occupancy.
21. The property owner/developer shall upgrade the parking lot from asphalt to concrete for the parking area along the front of the store prior to the issuance of a Certificate of Occupancy.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Design Review 14-04. The Planning Commission Secretary shall certify to the adoption of this resolution and forward a copy to the applicant.

Said motion CARRIED by the following roll call vote:

AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
ABSENT: COMMISSIONERS:

Dated: July 27, 2015

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Carmen G. Henderson, Secretary Chairman, Paul Janoian